

Attorney Docket: 032,290-0006
(Formerly ARTM-1005US)

165. (new) The method of claim 1, wherein the bioresorbable body is polylactic acid/polyglycolic acid.

166. (new) The method of claim 1, wherein the bioresorbable body comprises at least one bioresorbable body.

REMARKS

Applicants thank the Examiner for taking time on August 5, 2003, to discuss the outstanding Office Action. Applicants' representative explained that support for the pending claims can be found in priority documents, U.S. Application Serial No. 60/090,243, filed on June 22, 1998, and U.S. Application Serial No. 60/092,734, filed on July 14, 1998. Because these priority applications predate Mavity, the rejection over Mavity should be withdrawn.

Reconsideration of the rejections set forth in the Office Action dated April 18, 2003, is respectfully requested. Claims 101, 121 and 130 have been amended. Claims 161-166 are new. Please charge claim fees to Deposit Account No. 50-0639. Specification support for these new claims can be found in priority document, U.S. Application Serial No. 60/090,243, filed June 22, 1998, e.g., at pages 7-9. These new claims are therefore entitled to an effective filing date of no later than June 22, 1998 for purposes of examination, and these amendments are therefore made without introducing new matter.

With regard to the rejection for alleged obviousness-type double patenting, Applicant submits herewith a terminal disclaimer without conceding the propriety of the rejection.

With regard to the claim objections, this issue is mooted by the cancellation of claim 93.

Attorney Docket: 032,290-0006
(Formerly ARTM-1005US)

With regard to the art rejections, all pending claims are entitled to an effective filing date prior to Mavity. Therefore, the rejections over Mavity should be withdrawn because Mavity is not prior art to this application.

Finally, Applicants note that the PTO-Form 1449 submitted April 24, 2002, was not returned to Applicant with initials in the left-most column. Applicant respectfully requests that the Examiner return a copy of this PTO-Form 1449 with the next Office Action.

CONCLUSION

For all the foregoing reasons, Applicants respectfully assert the claims are now in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any minor issues remain, please contact Applicants' undersigned representative at (949) 737-2900. The Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-0639.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 8, 2003

By: John Kappos
John Kappos
Reg. No. 37,861
Attorneys for Applicant

JCK/kam

O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900